

Kevin M. Todd, AICP

From: Andrew Murray
Sent: Tuesday, January 03, 2012 5:43 PM
To: Kevin M. Todd, AICP
Subject: FW: Applicability - Ord 11-32
Attachments: 16.04.165 DPR.pdf

Andrew Murray | *Associate Planner*
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From: Linda Naas [mailto:lnaas@logickey.com]
Sent: Tuesday, January 03, 2012 2:57 PM
To: Andrew Murray
Subject: RE: Applicability - Ord 11-32

Andrew,

Thank you for your call this morning and thank you for this timely email response.

What I've been referring to is on page 2 #2 in this DPR ordinance. I may bring this up at the meeting this evening as there seems to be confusion on whether there is a trigger for residential.

Thanks again,
Linda
317-867-0584

From: Andrew Murray <amurray@westfield.in.gov>
To: 'Linda Naas' <lnaas@logickey.com>
Date: 01/03/2012 10:57 AM
Subject: RE: Applicability - Ord 11-32

Linda:

Please find attached the Development Plan Review chapter of the Zoning Ordinance. Please reference Section B1a in how the Trail Overlay would not apply to a single family residential use. Let me know if you have any questions.

Thanks,
Andrew

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From: Linda Naas [<mailto:lnaas@logickey.com>]

Sent: Tuesday, January 03, 2012 1:34 AM

To: Andrew Murray

Subject: Applicability - Ord 11-32

Andrew,

Can you send me a list of all things requiring development plan review or subdivision platting, especially everything residential like adding sunrooms, roofed decks, etc.

I don't think residential including AG-SF1 should be covered by this Ord 11-32. Most part of this ordinance are not conducive to residential/AG uses.

Thanks,
Linda Naas
317-867-0584

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Kevin M. Todd, AICP

From: Andrew Murray
Sent: Tuesday, January 03, 2012 5:43 PM
To: Kevin M. Todd, AICP
Subject: FW: 8 Trails mileage - Trail Overlay Ordinance
Attachments: ATT00001.jpg

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From: Linda Naas [mailto:lnaas@logickey.com]
Sent: Tuesday, January 03, 2012 3:49 PM
To: Andrew Murray
Subject: RE: 8 Trails mileage - Trail Overlay Ordinance

Andrew,

Thank you for the info.

Are there specific plans for where the trails are going to be for the Cool Creek and Little Eagle Creek trail areas?
Are they planned in the drainage easement areas?
Is the County willing to allow that?

These creek trails appear to be troublesome.

Hard to build trails where water flows. We've already had washouts on the Monon and there will be more to follow, I'm sure.

200 feet plus the trail ROW in many cases affect one property owner per parcel. These trails don't edge a property. Over-reaching to have a 160-foot corridor in which these landowners cannot build.

Trail through property adds two setbacks that do not now exist.

Fencing in animals after trail construction. Fencing on page 12 is not appropriate for these properties. They will need to fence animals or be allowed to.

Owner access to his property on other side of trail.

Did these meet the Township Parks Plan 12/10?

These areas will still have residential and AG properties many years from now - see Comp Plan.

Applicability adversely affects these properties.

County may not allow "screening" on legal drains; therefore, that part is not applicable from page 3.

Linda Naas
317-867-0584

From: Andrew Murray <amurray@westfield.in.gov>
To: 'Linda Naas' <lnaas@logickey.com>
Date: 12/09/2011 02:39 PM
Subject: RE: 8 Trails mileage - Trail Overlay Ordinance

Linda:
Please find my responses below. If you have further questions, please call or email.

Thanks,
Andrew

How many total miles of trails (including all 8 trails but excluding those miles in Cool Creek Park) are covered by this Trail Overlay Ordinance 11-32?

Approximately 32 miles

How many miles in Urban Section?

Urban Proposed: Appx. 3 miles

Urban Existing: Appx. 3 miles

How many miles in Natural Sections?

Natural Proposed: Appx. 20 miles

Natural Existing: Appx. 5.5 miles

If broken down by Trail Name, please list the mileage per each.

TRAIL_NAME	EXIST_PROP	CLASS	MILES
Anna Kendall	Existing	Natural	0.5027
Anna Kendall	Proposed	Natural	1.3926
Anna Kendall	Proposed	Urban	0.2246
Asa Bales Park Trail	Existing	Natural	0.6415
Asa Bales Park Trail	Existing	Urban	0.0253
Asa Bales Park Trail	Proposed	Urban	0.0503
Cool Creek Trails	Existing	Urban	0.7948
Cool Creek Trails	Proposed	Natural	6.6429
GRAND JUNCTION	Existing	Urban	0.3592
Little Eagle Creek Trail	Proposed	Natural	8.4802
Midland Trace Trail	Existing	Natural	1.8175
Midland Trace Trail	Proposed	Natural	6.2863
Midland Trail Extension	Existing	Natural	0.2534
Monon Trail	Existing	Natural	2.4646
Monon Trail	Proposed	Natural	4.0007
Monon Trail	Proposed	Urban	1.5092
Monon/Midland Loop	Existing	Urban	0.2672
Monon/Midland Loop	Proposed	Natural	0.1789
Monon/Midland Loop	Proposed	Urban	1.1835
Natalie Wheeler Trail	Existing	Urban	1.5308
			38.6062

How many miles have exempted properties due to "3. b) Real estate separated from the Trails by a public vehicular Right-of-way"? Where are they currently located?

Existing: Appx. 3 miles

Proposed: Appx. 3 miles

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From: Linda Naas [<mailto:lnaas@logickey.com>]
Sent: Friday, December 02, 2011 5:01 PM
To: Andrew Murray
Subject: RE: 8 Trails mileage - Trail Overlay Ordinance

Thank you. Have a good weekend!

From: Andrew Murray <amurray@westfield.in.gov>
To: 'Linda Naas' <lnaas@logickey.com>
Date: 12/02/2011 04:03 PM
Subject: RE: 8 Trails mileage - Trail Overlay Ordinance

Linda:
It will be posted at least 10 days prior to the meeting.

Thanks,

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From: Linda Naas [<mailto:lnaas@logickey.com>]
Sent: Friday, December 02, 2011 3:45 PM
To: Andrew Murray
Subject: RE: 8 Trails mileage - Trail Overlay Ordinance

Andrew,

Thank you.

When should I see the 1/3/12 public hearing notice posted?

Linda Naas

From: Andrew Murray <amurray@westfield.in.gov>
To: 'Linda Naas' <lnaas@logickey.com>
Cc: Matt Skelton <mskelton@westfield.in.gov>
Date: 12/02/2011 01:59 PM
Subject: RE: 8 Trails mileage - Trail Overlay Ordinance

Ms. Naas:

I appreciate your questions regarding Ord. 11-32. I will research your questions and respond to you in a timely manner.

Also, I would like to inform you that we are going to continue this item's public hearing to January 3, 2012. The Noblesville Times failed to publish our notice properly, as a result, we are going to reserve notice for January 3, 2012.

Please let me know if you have any comments or questions.

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From: Linda Naas [<mailto:lnaas@logickey.com>]

Sent: Friday, December 02, 2011 1:08 PM

To: Andrew Murray

Subject: 8 Trails mileage - Trail Overlay Ordinance

Andrew,

How many total miles of trails (including all 8 trails but excluding those miles in Cool Creek Park) are covered by this Trail Overlay Ordinance 11-32?

How many miles in Urban Section?

How many miles in Natural Sections?

If broken down by Trail Name, please list the mileage per each.

How many miles have exempted properties due to "3. b) Real estate separated from the Trails by a public vehicular Right-of-way"? Where are they currently located?

Linda Naas

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Kevin M. Todd, AICP

From: Andrew Murray
Sent: Tuesday, January 03, 2012 5:43 PM
To: Kevin M. Todd, AICP
Subject: FW: Secondary Entrances/Fencing Ord 11-32

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From: Linda Naas [mailto:lnaas@logickey.com]
Sent: Tuesday, January 03, 2012 3:53 PM
To: Andrew Murray
Subject: Secondary Entrances/Fencing Ord 11-32

Secondary Entrances - Ord 11-32
Page 6.

There are security issues to be considered if City requires entrances and window openings on trail side of business. Examples are businesses in South Park along Monon. Not all businesses want open entrances to trail even if they might like trail access within their development.

Fencing Ordinance
Page 13.

This cannot be what we really want. As long as there are animals/livestock living along trails (and they will be for many years to come), barbed wire, woven wire, four-board fencing, etc will be required. Especially along creek properties, we expect to see large lots and AG-SF1 for years to come and AG-type fencing would be appropriate.

If Westfield puts a trail on a creek through someone's property, who is going to pay for the fencing on both sides. How will landowner access property on "other" side of trail? If the City puts a trail through there must be consideration for how to protect the landowner's property and livestock from the trail users. This is a requirement of liability insurance. There will be costs involved.

This fencing part of the ordinance does not fit all trail properties. Fence types must fit with property uses.

Linda Naas
317-867-0584

Kevin M. Todd, AICP

From: Andrew Murray
Sent: Tuesday, January 03, 2012 5:43 PM
To: Kevin M. Todd, AICP
Subject: FW: Screening - Ordinance 11-32 Page 3

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From: Linda Naas [mailto:lnaas@logickey.com]
Sent: Tuesday, January 03, 2012 3:58 PM
To: Andrew Murray
Subject: Screening - Ordinance 11-32 Page 3

To clarify after our conversation Thursday--from the ordinance:

Page 3 which is Section 7 a) ii) (3)

"The minimum required setbacks for the Natural Section may be reduced by ten (10) feet increments based upon the density of vegetation within the Trail Overlay Zone. The Director shall determine the density of vegetation according to the following standards:"

The Trail Overlay Zone is defined on Page 1 2) b) as:

"The Trail Overlay Zone is hereby established as the land area within one hundred (100) feet of the Trail right-of-way line or the edge of Trail pavement, whichever results in a greater distance from the Trail centerline (the "Trail Overlay Zone")."

1. Per the wording of this ordinance, the reductions to setback are not based on any vegetation within the trail right-of-way as the Trail Overlay Zone is outside the trail ROW. It is misleading/confusing to show photos (pages 24-27) for screening that are of vegetation and berms within the trail ROW. The abutting landowner would have no right to increase screening within the trail ROW. Therefore, as I pointed out in our phone conversation, as written, anything to produce "screening" for reductions would be on the abutting landowner's property and therefore, at the landowner's cost. Those costs are prohibitive to reduce setbacks to the underlying zoning. Unrealistic in many areas based on the ability to successfully plant trees and vegetation with shade from tree canopies, drainage, etc. Therefore, my point stands that landowner's are losing land with these increased setbacks. Screening outside the Trail ROW is not a solution.
- 2.
2. How does this fulfill the "consistent" part of Page 1 Purpose and Intent?
- 3.
3. Screen per zoning ordinance definition: *"201. Screen – Plants, berms, fences, walls, or any appropriate combination thereof used to visually obscure aesthetically unpleasing features of development or to reduce noise pollution."* Are you sure "Screen" is appropriate to reduce setbacks for residential properties - are residential properties aesthetically unpleasing to the trail? That is what this implies. The trail ROW has a 25-foot buffer per side along much of the Monon Trail. I believe that is more than sufficient. Is this an attempt for the City to require abutting property owners to supply screen buffers where there are none existing in the trail ROW? According to

the definition above, abutting property owners should be asking the City to supply "Screen" for their properties from the Trails - they are nothing if not noisy.

4.

4. If the purpose is to screen new commercial, industrial development, the wording is all wrong. But even for them the extra screening requirement is at extra cost to them. The cost to build is a primary consideration for land buyers and developers. Does the City really want development to stay 50 feet away from the trail ROW or build a vegetation/berm screen between them and trail? How is that consistent with the architectural standards which require doors and windows on the trail side?

5.

5. I don't think this part of the ordinance is "thoughtful" per Page 1 Purpose and Intent. More thought is needed here. It is too confusing, too inconsistent, expecting too much of landowners. It is like you are talking about 2 different things, (1) existing screening within right of way and (2) screening landowners/developers could "install" to reduce setbacks.

6.

6. This ordinance wording doesn't make sense and is unclear for screening within 100' to affect a setback which is within 50'. The landowner's property is taken from existing underlying zoning setbacks of 8' to 40' to a new 50' setback. Most of these trails are constructed or proposed in AG-SF1 land with a setback of 30 feet for side and rear yards and this ordinance increases that to 50 feet. That results in a loss of 20 feet of usable/buildable land for landowners which affects land value, net worth and borrowing power immediately.

7.

7. If you consider the properties on which the trails go through the property (creek properties), 2 additional setbacks on each side of the trail are added to the existing rear/side/front setbacks already set by underlying zoning. These properties receive the full effect of the full trail and overlays - 260 feet - they don't share with a neighbor. In a few cases it could cross to a neighbor's property, too. Loss of property use.

8.

Linda Naas
317-867-0584

Andrew, I'm sending this email on one topic - Screening. More may follow per topic or be submitted at the Tuesday night meeting

Kevin M. Todd, AICP

From: Andrew Murray
Sent: Tuesday, January 03, 2012 5:43 PM
To: Kevin M. Todd, AICP
Subject: FW: Setbacks: 16-foot Trail affects 266 feet of private property

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From: Linda Naas [mailto:lnaas@logickey.com]
Sent: Tuesday, January 03, 2012 3:58 PM
To: Andrew Murray
Subject: Setbacks: 16-foot Trail affects 266 feet of private property

Andrew, we discussed this again this morning. Please refer to these examples.

NO NEED TO INCREASE SETBACKS ALONG NATURAL SECTION TRAILS:

Under Proposed Trail Overlay Ordinance:

Natural Sections:

Example: Monon Trail

1. Monon Trail in most parts is 66 feet wide.
2. Add overlays of 100 feet on each side plus full principal structures that partially fall within the 100-foot overlay. #2. c) and d)
3. To construct a 16-foot trail, 266+ feet of of private property is affected by acquisition, setback and/or restrictions.
4. This is more than 16.6 times the trail width.
5. The general public and most trail users see these trails as not very invasive or not greatly affecting abutting properties. The facts do not bear this out now and even less so if this ordinance passes.

SUGGESTION:

1. Shouldn't 66 feet encompass enough buffer for a 16-foot trail?
2. That is a 25-foot buffer on each side of the Trail pavement which is the average underlying zoning setback in these areas.
3. Consider that there already exists an underlying zoning setback of 20-30 foot average for the abutting private properties on each side.

4. Add 3 & 4 together and there is a buffer/setback area from the edge of the Trail pavement to the building setback of the abutting property measuring 45 to 55 feet on each side of the Trail.
5. That establishes a corridor width of 106 to 126 feet for the Monon Trail in which no principal structures can be built WITHOUT ANY CHANGES IN SETBACKS.

The ordinance could still allow construction of trail amenities (page 4 accessory structures) within the underlying zoning setback. Forever there will be residences along trails and they will need accessory structures to be allowed within setbacks unless you wish trails to be lined with unsightly items that should be stored in these. This meets the "consistent" part of 1. Purpose and Intent. Throughout our existing zoning ordinances, setbacks vary and increase for specific reasons.

The setbacks from the trails on SR 32 in the SR32 Overlay are 30 feet. The trail ROW is 30 feet with an 8' trail. That makes the trail corridor from the center including adjoining property setback 45 feet. Compared to the Monon Trail above which is 53 to 63 feet from centerline through abutting property setback. If the goal is to make the trail corridor for the Natural Section Trails wider than any other, it is accomplished without increasing setbacks. It is over-reaching to further widen the trail corridor by taking private property rights from abutting landowners.

If we need to look at the Midland or other proposed trails one by one we need to make sure we do not widen these trail corridors more than this existing Monon Trail. The Midland with a 40' pre-existing rail corridor and 30' setbacks on each side would constitute a 100-foot corridor.

Carmel was unable to acquire the full 66 feet of the Monon Trail. And Westfield may not be able to acquire the full railroad corridors or trail widths they desire, however, there are other means of establishing a trail corridor as long as it is not over-reaching or too expansive and considerate of the property rights of landowners.

The overlay ordinance is written to affect over 949 Acres of land for trail corridors through acquisition, setbacks and restrictions which is unrealistic to construct only 61 acres of actual paved trails. If the trail corridors were an average 100 feet wide, 382 acres of land would be involved, more than the Grand Park. It should be recognized that the acquisition of this land would cost an equivalent amount to the Grand Park acre to acre. The more of these corridors comprised of abutting properties' setbacks, it will be much less costly for Westfield. This is still troublesome for creek trails within a property where there are no setbacks existing. The special considerations for constructing trails along creeks that would cross through one landowner's property are not addressed in this Ord 11-32. Washington Township has a parks plan that should be consulted and considered in reference to trails.

Increasing setbacks for abutting properties would be a "taking" as it would reduce the use of 20 to 30 feet of private land. This is unacceptable.

Linda Naas
317-867-0584